

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

RUSSELL C. GEISSLER,)	Civil Action No. 4:18-cv-1707-DCC-TER
)	
Plaintiff,)	
)	
-vs-)	
)	ORDER
)	
WARDEN WILLIAMS, MRS.)	
GLIDEWELL, MR. WILLIAMS,)	
CAPTAIN OF F2 UNIT, MRS.)	
MADDOX,)	
)	
Defendants.)	
_____)	

I. INTRODUCTION

Plaintiff, who is proceeding pro se, alleges that Defendants violated his constitutional rights by subjecting him to cruel and unusual punishment. Presently before the Court is Plaintiff's Motion for Summary Judgment (ECF No. 44). All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(d), DSC. This report and recommendation is entered for review by the district judge.

II. DISCUSSION

Plaintiff requests summary judgment on his behalf but not on the basis that there are no material facts in dispute as set forth in Fed.R.Civ.P. 56. Rather, Plaintiff argues that Defendants lied in their Rule 26.01 Answers to Interrogatories (ECF No. 29) and, thus, judgment should be entered in his favor. Plaintiff appears to be asking for default judgment as a sanction under Fed.R.Civ.P. 37, which allows for sanctions for certain discovery violations. Thus, the court will construe Plaintiff's motion as one for sanctions under Rule 37.

In response to Rule 26.01 Interrogatories, Defendants' responded that they were not aware of any actions related to the present case filed within this court. Plaintiff argues that this response amounts to perjury because two other plaintiffs were originally part of the present action, but the court opened separate cases for each Plaintiff. Therefore, because they are Defendants in all three cases, Defendants knew that there were other cases related to the present one. Defendants argue that three separate cases were opened for the very fact that they are not related.

Defendants also responded to Rule 26.01 Interrogatories that they were not aware of any party or entity not already named in this action that could be liable for the allegations asserted by Plaintiff. Plaintiff argues that this response also amounts to perjury because Defendants know there are two other Defendants in the case who have not yet been served. Defendants argue that those two defendants are already named in this action and, furthermore, they do not believe those other Defendants are liable.

Defendants' responses to the Rule 26.01 Interrogatories are not inappropriate and do not warrant sanctions. Plaintiff's motion is without merit.

III. CONCLUSION

For the reasons discussed above, the clerk's office is directed to docket Plaintiff's Motion for Summary Judgment (ECF No. 44) as a Motion for Sanctions. The motion is **DENIED**.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

March 18, 2019
Florence, South Carolina